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09/656,531	09/07/2000	Tim Armandpour	P3929	2317

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EXAMINER	
BASEHOAR, ADAM L	

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/656,531	ARMANDPOUR ET AL.	
	Examiner	Art Unit	
	Adam L. Basehoar	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: The RCE filed 07/21/06.

2. Claims have been cancelled as necessitated by Amendment.

3. Claims 1-2 and 12-28 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al (US-6,360,332 03/19/02).

4. Claims 3-11 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al (US-6,360,332 03/19/02) in view of W3C's, "HTML 4.0 Specification," 04/24/98, http://www.w3.org/TR/1998/REC-html40-19980424/, pp. 1-27 (Hereafter W3C).

5. Claims 1-28 are pending in the case. Claims 1, 12, and 18 are independent claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-2, 12-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al (US-6,360,332 03/19/02).

-In regard to substantially similar independent claims 1 and 12, Weinberg teaches an application for enabling automated notification of applied structural changes to electronic information pages on a network comprising:

an interface for enabling users to build and modify network navigation and interaction templates using functional logic blocks (column 2, lines 25-35; columns 9-10, lines 48-23), for navigating to and interacting with interactive electronic information pages (columns 9-10, lines 48-22: "web site"; column 14, lines 39-41);

a navigation interface for integrating the software application to a proxy-navigation system for periodic execution of the templates (column 2, lines 35-39; column 6, lines 15-19);

a change notification module for indicating a point in process where a navigation and interaction routine has failed and for creating a data file containing parameters associated with the failed routine (column 2, lines 39-40; column 3, lines 29-43; column 6, lines 19-22; column 17, lines 10-52)(Fig. 5F); and

storing the data file (column 2, lines 39-40; column 6, lines 19-22), wherein the application periodically submits test navigation and interaction routines (column 6, lines 19-22), and upon failure of the routine, creates a data file (column 2, lines 39-40; column 3, lines 29-43; column 6, lines 19-22; column 17, lines 10-52)(Fig. 5F), the data file comprising a point-of-failure indication within the failed routine (Fig. 5F: column 17, lines 17-21), an identifier of the associated electronic page (columns 17-18: lines 62-12)(Fig. 5F: "URL: www.mercint.com"), and stores the data file in the data repository sending notification of the action to the developer (column 2, lines 39-40; column 6, lines 15-23).

Weinberg does not specifically teach were the data file was stored in a database. It would have been obvious to one of ordinary skill in the art at the time of the invention for Weinberg to have stored the data file in a database, because Weinberg teaches storing the data file for later viewing (column 2, lines 39-40) and it was notoriously well known in the art that any storage of

information could be looked upon as a database. In addition it was notoriously well known in the art that databases provided users the benefit of easy access to stored information.

-In regard to dependent claims 2, 13, and 19, Weinberg teaches wherein the network (column 5, line 5) could be the Internet (column 16, lines 9-10) and wherein the electronic information page was a web page (columns 9-10, lines 48-22: "web site"; column 14, lines 39-41) on the network.

-In regard to dependent claim 14, Weinberg teaches wherein the software application was an Internet (column 16, lines 9-10) based application executing and running on a server (Fig. 6C: Transactional Server).

-In regard to dependent claims 15 and 16, Weinberg teaches wherein a single server system hosting both the proxy navigation software and the software application (Fig. 6C: Transactional Server).

-In regard to dependent claim 17, Weinberg teaches wherein software application and the proxy navigation software are integrated as a single application enabling both functions of navigation according to navigation templates and notifying and recoding failed instances of navigation (column 2, lines 26-40).

-In regard to independent claim 18, Weinberg teaches a method for receiving automated notification of random structural changes applied to electronic information pages hosted on a network comprising:

-establishing notification of a failed navigation and interaction routine executed for the purpose of navigating to and interacting with an electronic information page (column 6, lines 15-23; column 17, lines 10-52)(Fig. 5F).

-recording an instance of the failed routine including parameters associated with the cause of failure (column 2, lines 39-40; column 3, lines 29-43; column 6, lines 19-22; column 17, lines 10-52)(Fig. 5F);

-accessing the recorded instance of the failed routine for review purposes (column 2, lines 39-40; column 6, lines 19-22);

-being able to navigate to the electronic information page identified in the recorded instance (i.e. via the stored URL of electronic information page in recorded instance)(columns 17-18, lines 62-12: "web page"; Fig. 5F: "URL: www.mercint.com");

-accessing source information associated with the electronic information page identified in the recorded instance (i.e. displaying the electronic page reference by the displayed URL (Fig. 5F) via the user browser (column 2, lines 25-30: "interactions between web browser and web server").

Weinberg does not teach wherein after accessing source information after test routine failure, creating new logic from info in the recorded instance and installing the new logic into an existing navigation template for successful function. It would have been obvious to one of ordinary skill in the art at the time of the invention for Weinberg to have performed the above

mentioned actions, because Weinberg taught in the background of invention, that it was well known in the art at the time of the invention for the test developer, after test failure, to have to revise the navigation template (test "script") so that the test navigation could correct the defect and operate properly (column 1, lines 48-63).

-In regard to dependent claim 20, Weinberg teaches wherein the navigation routine was performed according to a test navigation template (column 2, lines 25-40).

-In regard to dependent claim 21, Weinberg teaches wherein the navigation routine was performed according to a client navigation template (column 2, lines 25-35).

-In regard to dependent claim 22, Weinberg teaches wherein the recorded instance of the failed routine was created in the form of a data file (column 2, lines 39-40; column 3, lines 29-43; column 6, lines 19-22; column 17, lines 10-52)(Fig. 5F) and stored in a data repository (column 2, lines 39-40; column 6, lines 19-22) via the network (column 5, line 5).

-In regard to dependent claim 23, Weinberg teaches wherein the recorded instance of the failed navigation routine was accessed by a software developer (column 2, lines 39-40; column 3, lines 29-43; column 6, lines 15-22)(Fig. 5F).

-In regard to dependent claim 24, Weinberg teaches wherein navigation was performed by the developer utilizing an instance of a browser installed on a computerized workstation

(column 2, lines 25-30: "interactions between web browser and web server"; column 5, lines 4-12: "requests from users on a computer network").

-In regard to dependent claim 25, Weinberg teaches wherein the new logic was in the form of a modular logic block installable to a navigation template (column 5, lines 15-16: "set or related business processes"; column 17, lines 10-34)(Fig. 5F).

-In regard to dependent claim 26, Weinberg teaches wherein the new logic block self-installs to a depended navigation template (column 1, lines 62-63).

-In regard to dependent claim 27, Weinberg teaches testing the new logic before the implementation (column 1, lines 63-65).

-In regard to dependent claim 28, Weinberg teaches creating more than one logic block within a navigation template and wherein more than one block could fail (column 16, lines 26-40). As discussed above, Weinberg teaches wherein it would have been beneficial to correct all the defects of the navigation template (test "script") so that the navigation template would operate properly (column 1, lines 48-64).

8. Claims 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al (US-6,360,332 03/19/02) in view of W3C's, "HTML 4.0 Specification," 04/24/98, http://www.w3.org/TR/1998/REC-html40-19980424/, pp. 1-27 (Hereafter W3C).

-In regard to dependent claim 3, Weinberg teaches wherein the logic blocks include site logic blocks/portions (column 5, lines 7-21; columns 9-10, lines 48-23: e.g. Text Check, Image Check, Applet Check). Weinberg does not specifically teach wherein the logic blocks were automated site-login blocks and automated site-registration blocks. W3C teaches that automated site-login blocks and registration blocks were well known in the HTML art at the time of the invention to be text input field elements (pp. 6-9) bound by HTML tags. It would have been obvious to one of ordinary skill at the time of the invention, for the logic blocks of Weinberg to have included login and site registration blocks, because Weinberg taught submitting logic blocks for checking different parameter (i.e. text or number input) input as part of a business process (column 5, lines 7-23; column 15, lines 20-30) to verify that the those blocks were valid. As discussed above, W3C taught said logic blocks where notoriously well known in the art at the time of the invention to be common HTML web page input blocks.

-In regard to dependent claim 4, Weinberg teaches wherein the software application was an Internet (column 16, lines 9-10) based application executing and running on a server (Fig. 6C: Transactional Server).

-In regard to dependent claim 5, Weinberg teaches wherein the application was accessible through a network browser (column 2, lines 25-29).

-In regard to dependent claim 6, Weinberg teaches wherein the templates are test routines (column 2, lines 32-40) executed for determining success or failure of the routine (column 3, lines 28-43).

-In regard to dependent claim 7, Weinberg teaches wherein the templates are executable instruction orders containing logic blocks (column 2, lines 48-51; columns 9-10, lines 48-22; column 13, lines 6-8).

-In regard to dependent claim 8, Weinberg teaches wherein the functional logic blocks are modular and self-installable within the templates (column 5, lines 15-16: "set or related business processes"; column 17, lines 10-34)(Fig. 5F).

-In regard to dependent claim 9, Weinberg teaches wherein the data files are human readable (Fig. 5F) and are accessed by developers (column 2, lines 36-40; column 3, lines 29-44; column 6, lines 19-24) for the purpose of affecting updating of the navigation templates (column 1, lines 62-63).

-In regard to dependent claim 10, Weinberg teaches wherein the developers access the application via individual computerized workstations (column 2, lines 25-30: "interactions between web browser and web server"; column 5, lines 4-12: "requests from users on a computer network").

-In regard to dependent claim 11, Weinberg teaches wherein the error notification and data file are performed in the event failure or a client's personalized navigation template (column 2, lines 39-40; column 3, lines 29-43; column 6, lines 15-22)(Fig. 5F).

Response to Arguments

9. Applicant's arguments filed 07/21/06 have been fully considered but they are not persuasive.

The following arguments will attempt to address what the Examiner believes to be the Applicant's three main arguments:

First, the Applicant argues that there is no expectation that the structure of the site might change and that there is no disclosure concerning structural changes to the sites that are tested. This argument is directly related to past responses that dealt with the issue of Weinberg's verification steps that included text, image, and applet checks. The Examiner agrees that all three of these verification steps check for an expected result on a given web page. The Applicant seems to assert that the expected result of Weinberg, in view of these verification steps, must be compared with either the expected result (i.e. the same text or image is returned and the test passes) or changed data of the same type (i.e. a new text string or image is returned and the test fails). However, the mere fact that these verification steps search a given web page for an expected text string, image, or Java applet, and return a pass/fail result based on said search, directly implies that said expected text string, image, or Java applet might no longer be on be said web page (i.e. removed and the structure of the page has changed)(column 5, lines 40-41: "confirm that a particular image appears on a web page"). Thus the Weinberg reference is not

only limited to having the change in text or image data being the return of different text or image data for the verification check to fail as the Applicant implies. Clearly if a verification step of a web page checked whether a text string or image was on said page, and said check did not find said string or image on said web page, a failure for the test status would be returned. Wherein the Applicant points out the succinctly defined structural changes in the disclosure, the Examiner notes that said structural changes "may include" the listed examples and that changed text or images and for that matter removed text or images of Weinberg would clearly fit within said examples.

The Applicant also argues, while not directly claimed, that there is no teaching in Weinberg of changing the sequence of steps in a test as a result of a failure in the test. The Examiner respectfully disagrees and notes that the Weinberg reference clearly teaches wherein the user developer can at any point edit the test through the testing tool interface to include "inserting steps, deleting steps, dragging and dropping steps to new positions, and modifying step properties."(column 11, lines 11-16).

Finally the Applicant argues the "change-notification module for indicating a point in process where a navigation and interaction routine has failed and for creating a data file containing parameters associated with the failed routine." The Examiner respectfully disagrees with the Applicant's description of a "failure" in the Weinberg reference (Remarks: Page 12). As discussed above, changed data does not necessarily mean that data was returned to be compared to the expected data. Rather, the changed data could be that the data no longer existed on a given page. In this case, Weinberg records a point-of-failure indication (Fig. 5F: 88 & 89) within the failed routine, indicating that that verification step failed and thus the status of the test

as a whole had failed (column 17, lines 50-52). As discussed before, Weinberg teaches wherein results of the test navigation and interaction routines, including the results of the verification steps were stored for viewing (column 2, lines 39-40). Weinberg also teaches wherein displaying the test results in a hierarchical tree ("report tree") can also display the results of the verification steps graphically within the report tree, such as displaying a green check mark or a red "X" symbol to indicate pass/fail status (column 3, lines 29-43; column 17, lines 10-52). Thus the Weinberg reference indicates to the user via the report tree the point-in-process has failed by displaying a red "X" symbol in the report tree (Fig. 5F: i.e. Red "X" shows that Test Iteration 4 has failed. The Test Status (90) also shows that the current test status is "Failed").

Conclusion

10. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US-6,915,482	07-2005	Jellum et al.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L. Basehoar whose telephone number is (571)-272-4121. The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB

William L. Bashore

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PRIMARY EXAMINER